

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
HELD TUESDAY, OCTOBER 4, 2005

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
DEAN AUSILIO, VICE-CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: JOA PENZIEN
CHARLES OLIVER
ARNOLD THOEL
DEBORAH ZOLNOSKI

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Township Attorney
Jerome R. Schmeiser, Community Planning Consultant
(Additional attendance on file with Clerk)

Call Meeting to Order.

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

Pledge of Allegiance

1. Roll Call

Clerk KOEHS called the Roll Call. All members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by OLIVER seconded by THOEL to approve the amended agenda as discussed.

MOTION carried.

3. Approval of the September 20, 2005 previous Meeting Minutes

MOTION by AUSILIO seconded by PENZIEN to approve the September 20, 2005 previous Meeting Minutes.

MOTION carried.

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AGENDA ITEMS:

4. **Final Preliminary Plat; Milano Industrial Subdivision #3;** Located 1953 feet north of 23 Mile Road, approximately ½ mile east of Hayes Road; Phil Leone, Petitioner. Permanent Parcel No. 08-18-400-014. *(Tabled at the 9/20/05 PC meeting)*

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner: Not present

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Milano Industrial Subdivision # 3 with the following conditions: That a gate be installed on the south line of the landscape easement within the 10 foot access area located between lots 27 and 28; that revised plans be submitted showing the required gate; that the proposed screening wall be extended along the side property lines to connect to the walls that exist on the adjacent properties to the east and west of the subject site; that the restrictive covenants, drafted in accordance with Township ordinances, include these conditions; and, that an owner's association be established to manage the plat and maintain all common areas. Permanent Parcel No. 08-18-400-014. This motion was based on the Planning Consultants recommendations as follows:

1. **The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulation.**
 - a. **Macomb County Road Commission**
 - b. **Office of Public Works Commission of Macomb County**
 - c. **Macomb County Health Department**
 - d. **Macomb County Planning Commission**
 - e. **Michigan Department of Environmental Quality**
 - f. **All public utility companies affected.**
 - g. **That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying to the plat to any public street be installed by the petitioner.**
2. **The Township Engineer approves all engineering plans for the computed plat.**

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3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.
6. **Flood Plain Map Amendments and/or Requirements.** Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.

It is noted that in the development of the landscape easement, that no stones (a cobblestone measuring 3-8" in diameter is permitted) or loose materials are allowed within 3 feet of any paved areas.

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10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity as part of the application for the tentative preliminary plat. Any changes in street names must be authorized by the Supervisor prior to the acceptance of an application for Final Plat. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.
15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. The items must be completed prior to the Developer applying for approval of the Final Plat.
16. That the petitioner understands that if the property(ies) involved in this application are not yet split or combine into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits.

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In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

17. **That a gate must be installed on the south line of the landscape easement within the 10 foot access area located between lots 27 and 28, and that revised plans be submitted showing the gate.**
18. **That the proposed screening wall be extended to connect to those existing in the adjacent plats to the east and west of the subject site.**

MOTION carried.

5. **Rezoning; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3);** Located south of 23 Mile Road, west of North Avenue; Balfour Development, Petitioner. Permanent Parcel No. 08-23-226-001.

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed agenda item numbers 5,6,7,8 & 9 findings and recommendations for denial.

Petitioner Present: Lawrence Scott offered to enter into the Contract Zoning Agreement to provide for the removal of residential structures and the combination of all parcels in question.

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to deny the rezoning request from Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3); Permanent Parcel No. 08-23-226-001 pursuant to the Planning Consultants recommendations specifically finding that the proposed rezoning is inconsistent with the goals of the Master Plan. The proposed rezoning is inconsistent with the development of the surrounding properties and the zoning ordinance requires that C-3 parcels must contain a minimum of 5 acres. This motion was based on the Planning Consultants recommendations as follows:

1. **The proposed rezoning is inconsistent with the goals of the Master Plan.**

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1. The proposed rezoning is inconsistent with the development of the surrounding properties.
3. The zoning ordinance requires that C-3 parcels must contain a minimum of 5 acres.

MOTION carried.

6. **Rezoning; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3);** Located south of 23 Mile Road, west of North Avenue; Balfour Development, Petitioner. Permanent Parcel No. 08-23-226-002.

This request was reviewed simultaneously with agenda item number 5.

Petitioner Present: Petitioner Present: Lawrence Scott offered to enter into the Contract Zoning Agreement to provide for the removal of residential structures and the combination of all parcels in question.

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to deny the rezoning request from Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3); Permanent Parcel No. 08-23-226-002 pursuant to the Planning Consultants recommendations specifically finding that the proposed rezoning is inconsistent with the goals of the Master Plan. The proposed rezoning is inconsistent with the development of the surrounding properties and the zoning ordinance requires that C-3 parcels must contain a minimum of 5 acres. This motion was based on the Planning Consultants recommendations as follows:

1. The proposed rezoning is inconsistent with the goals of the Master Plan.
2. The proposed rezoning is inconsistent with the development of the surrounding properties.
3. The zoning ordinance requires that C-3 parcels must contain a minimum of 5 acres.

MOTION carried.

7. **Rezoning; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3);** Located south of 23 Mile Road, west of North Avenue; Balfour Development, Petitioner. Permanent Parcel No. 08-23-226-004.

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This request was reviewed simultaneously with agenda item number 6.

Petitioner Present: Lawrence Scott offered to enter into the Contract Zoning Agreement to provide for the removal of residential structures and the combination of all parcels in question.

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to deny the rezoning request from Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3); Permanent Parcel No. 08-23-226-004 pursuant to the Planning Consultants recommendations specifically finding that the proposed rezoning is inconsistent with the goals of the Master Plan. The proposed rezoning is inconsistent with the development of the surrounding properties. The zoning ordinance requires that C-3 parcels must have a minimum of 300' of frontage and the zoning ordinance requires that in C-3 parcels, the depth must not exceed 3 times the width. This motion was based on the Planning Consultants recommendations as follows:

1. The proposed rezoning is inconsistent with the goals of the Master Plan.
2. The proposed rezoning is inconsistent with the development of the surrounding properties.
2. The zoning ordinance requires that C-3 parcels must have a minimum of 300' of frontage.
3. The zoning ordinance requires that in C-3 parcels, the depth must not exceed 3 times the width.

MOTION carried.

8. **Rezoning; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3);** Located south of 23 Mile Road, west of North Avenue; Balfour Development, Petitioner. Permanent Parcel No. 08-23-226-005.

This request was reviewed simultaneously with agenda item number 7.

Petitioner Present: Lawrence Scott offered to enter into the Contract Zoning Agreement to provide for the removal of residential structures and the combination of all parcels in question.

Public Portion: None

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MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to deny the rezoning request from Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3); Permanent Parcel No. 08-23-226-005 pursuant to the Planning Consultants recommendations specifically finding that the proposed rezoning is inconsistent with the goals of the Master Plan. The proposed rezoning is inconsistent with the development of the surrounding properties. The zoning ordinance requires that C-3 parcels must contain a minimum of 5 acres. The zoning ordinance requires that C-3 parcels must have a minimum of 300' of frontage and the zoning ordinance requires that in C-3 parcels, the depth must not exceed 3 times the width. This motion was based on the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is inconsistent with the goals of the Master Plan.**
- 2. The proposed rezoning is inconsistent with the development of the surrounding properties.**
- 3. The zoning ordinance requires that C-3 parcels must contain a minimum of 5 acres.**
- 4. The zoning ordinance requires that C-3 parcels must have a minimum of 300' of frontage.**
- 4. The zoning ordinance requires that in C-3 parcels, the depth must not exceed 3 times the width.**

MOTION carried.

- 9. Rezoning; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3); Located south of 23 Mile Road, west of North Avenue; Balfour Development, Petitioner. Permanent Parcel No. 08-23-226-006.**

This request was reviewed simultaneously with agenda item number 8.

Petitioner Present: Lawrence Scott offered to enter into the Contract Zoning Agreement to provide for the removal of residential structures and the combination of all parcels in question.

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to deny the rezoning request from Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3); Permanent Parcel No. 08-23-226-006 pursuant to the Planning Consultants recommendations

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specifically finding that the proposed rezoning is inconsistent with the goals of the Master Plan. The proposed rezoning is inconsistent with the development of the surrounding properties. The zoning ordinance requires that C-3 parcels must contain a minimum of 5 acres. The zoning ordinance requires that C-3 parcels must have a minimum of 300' of frontage and the zoning ordinance requires that in C-3 parcels, the depth must not exceed 3 times the width. This motion was based on the Planning Consultants recommendations as follows:

1. The proposed rezoning is inconsistent with the goals of the Master Plan.
2. The proposed rezoning is inconsistent with the development of the surrounding properties.
3. The zoning ordinance requires that C-3 parcels must contain a minimum of 5 acres.
4. The zoning ordinance requires that C-3 parcels must have a minimum of 300' of frontage.
5. The zoning ordinance requires that in C-3 parcels, the depth must not exceed 3 times the width.

MOTION carried.

10. **Rezoning; Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3);** Located south of 23 Mile Road, west of North Avenue; Balfour Development, Petitioner. Permanent Parcel No. 08-23-226-007.

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed agenda item numbers 10, 12, 13, 14 & 15 findings and recommendations for denial.

Petitioner Present: Lawrence Scott offered to enter into the Contract Zoning Agreement to provide for the removal of residential structures and the combination of all parcels in question.

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to deny the rezoning request from Residential One Family Suburban (R-1-S) to Commercial Shopping Center (C-3); Permanent Parcel No. 08-23-226-007 pursuant to the Planning Consultants recommendations specifically finding that the proposed rezoning is inconsistent with the goals of the Master Plan. The proposed rezoning is inconsistent with the development of the surrounding properties. The zoning ordinance requires that C-3 parcels must have a

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minimum of 300' of frontage and the zoning ordinance requires that in C-3 parcels, the depth must not exceed 3 times the width. This motion was based on the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is inconsistent with the goals of the Master Plan.**
- 2. The proposed rezoning is inconsistent with the development of the surrounding properties.**
- 3. The zoning ordinance requires that C-3 parcels must have a minimum of 300' of frontage.**
- 4. The zoning ordinance requires that in C-3 parcels, the depth must not exceed 3 times the width.**

MOTION carried.

- 11. Rezoning; Residential One Family Urban (R-1) to Commercial General (C-2); Located east of Romeo Plank Road, north of 22 Mile; Velmeir Companies, Petitioner. Permanent Parcel No. 08-21-351-005.**

This request was reviewed simultaneously with agenda item number 10.

Petitioner Present: Lawrence Scott offered to enter into the Contract Zoning Agreement to provide for the removal of residential structures and the combination of all parcels in question.

Public Portion: None

MOTION by KOEHS seconded by THOEL to forward the recommendation to the Township Board of Trustees to deny the rezoning request from Residential One Family Urban (R-1) to Commercial General (C-2); Permanent Parcel No. 08-21-351-005. This motion was based on the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is inconsistent with the goals of the Master Plan.**
- 1. The proposed rezoning is inconsistent with the development of the surrounding properties.**
- 2. The property contains a residence which is not allowed in a commercial zone.**
- 3. The zoning ordinance requires that C-2 parcels be a minimum of 200' x 200' and contain 4000 square feet.**

MOTION carried.

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12. **Rezoning; Residential One Family Urban (R-1) to Commercial General (C-2);** Located east of Romeo Plank Road, north of 22 Mile; Velmeir Companies, Petitioner. Permanent Parcel No. 08-21-351-006.

This request was reviewed simultaneously with agenda item number 11.

Petitioner Present: Lawrence Scott offered to enter into the Contract Zoning Agreement to provide for the removal of residential structures and the combination of all parcels in question.

Public Portion: None

MOTION by KOEHS seconded by OLIVER to forward the recommendation to the Township Board of Trustees to deny the rezoning request from Residential One Family Urban (R-1) to Commercial General (C-2); Permanent Parcel No. 08-21-351-006. This motion is based on the Planning Consultants recommendations as follows:

1. **The proposed rezoning is inconsistent with the goals of the Master Plan.**
2. **The proposed rezoning is inconsistent with the development of the surrounding properties.**
3. **The property contains a residence which is not allowed in a commercial zone.**
4. **The zoning ordinance requires that C-2 parcels be a minimum of 200' x 200' and contain 4000 square feet.**

MOTION carried.

13. **Rezoning; Residential One Family Urban (R-1) to Commercial General (C-2);** Located east of Romeo Plank Road, north of 22 Mile; Velmeir Companies, Petitioner. Permanent Parcel No. 08-21-351-007.

This request was reviewed simultaneously with agenda item number 12.

Petitioner Present: Lawrence Scott offered to enter into the Contract Zoning Agreement to provide for the removal of residential structures and the combination of all parcels in question.

Public Portion: None

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MOTION by ZOLNOSKI seconded by THOEL to forward the recommendation to the Township Board of Trustees to deny the rezoning request from Residential One Family Urban (R-1) to Commercial General (C-2); Permanent Parcel No. 08-21-351-007 for the following reasons: This motion is based on the Planning Consultants recommendations as follows: The proposed rezoning is inconsistent with the goals of the Master Plan. The proposed rezoning is inconsistent with the development of the surrounding properties. The property contains a residence which is not allowed in a commercial zone and the zoning ordinance requires that C-2 parcels be a minimum of 200' x 200' and contain 4000 square feet. This motion was based on the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is inconsistent with the goals of the Master Plan.**
- 2. The proposed rezoning is inconsistent with the development of the surrounding properties.**
- 3. The property contains a residence which is not allowed in a commercial zone.**
- 4. The zoning ordinance requires that C-2 parcels be a minimum of 200' x 200' and contain 4000 square feet.**

MOTION carried.

- 14. Rezoning; Residential One Family Urban (R-1) to Commercial General (C-2); Located east of Romeo Plank Road, north of 22 Mile; Velmeir Companies, Petitioner. Permanent Parcel No. 08-21-351-011.**

This request was reviewed simultaneously with agenda item number 13.

Petitioner Present: Lawrence Scott offered to enter into the Contract Zoning Agreement to provide for the removal of residential structures and the combination of all parcels in question.

Petitioner Present: Lawrence Scott

Public Portion: None

MOTION by OLIVER seconded by ZOLNOSKI to forward the recommendation to the Township Board of Trustees to deny the rezoning request from Rezoning; Residential One Family Urban (R-1) to Commercial General (C-2); Permanent Parcel No. 08-21-351-011 as recommended by the Township Planning Consultants. This motion was based on the Planning Consultants recommendations as follows:

- 1. The proposed rezoning is inconsistent with the goals of the Master Plan.**

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2. The proposed rezoning is inconsistent with the development of the surrounding properties.
3. The property contains a residence which is not allowed in a commercial zone.
4. The zoning ordinance requires that C-2 parcels be a minimum of 200' x 200' and contain 4000 square feet.

MOTION carried.

15. **Preliminary Plan; Cardinal Cove Site Condominiums;** Located on the north side of 24 Mile Road, east of Romeo Plank Road; Northern Macomb Dev., Petitioner. Permanent Parcel No. 08-08-400-020.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Joseph Locricchio

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Preliminary Plan; Cardinal Cove Site Condominiums; Permanent Parcel No. 08-08-400-020 with the following conditions: that revised plans be submitted to the Township Clerk's Department showing the bypass lanes; that funds be provided in escrow for the paving of 24 Mile Road as required; and, that a sketch be submitted showing proposed footprints for future structures on Unit 3. This motion was based on the Planning Consultants recommendations as follows:

1. The petitioner shall prepare and submit engineering plans to the Township Engineer for the required approvals from the following agencies in compliance with the State Condominium Act and Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:.
 - a. Macomb County Road Commission
 - b. Office of Public Works Commission of Macomb County
 - c. Macomb County Health Department
 - d. Macomb County Planning Commission
 - e. Michigan Department of Environmental Quality
 - f. All public utility companies affected.
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township

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Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.

- 2. The Township Engineer approves all engineering plans for the computed plan.**
- 3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the preliminary plan have been incorporated into the Final Plan.**
- 5. That all public street drain crossings within the boundaries of the Preliminary Plan shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(1) of the Macomb Township Code.**
- 6. That all sites meet the requirements of the Township Zoning Ordinances.**
- 7. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further the MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
- 8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
- 9. That the unrecorded Master Deed be approved by the Township Attorney and Township Assessor prior to acceptance of the Final Plan Application.**
- 10. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plan. That the petitioner submits (2) copies of the plan to the Supervisors office for addressing. Addresses will be assigned after final preliminary plan approval by the Township Board.**
- 11. That the landscape areas be identified as a common area in the Master Deed. Further, that a bond in the amount to be determined by the Township Consulting Engineer be posted. The bond shall be posted prior to receiving construction permits from the Water/Sewer Department.**
- 12. That the preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the**

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petitioner prior to the expiration date. Please make note of the above date. Any request for extension must be received by this office prior to the expiration date.

13. If a 'phasing plan' has not been submitted, it is assumed that this plan will be developed in one phase. Please be advised that any revisions to the phasing plan for this plan must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Preliminary Plan as a Revised Preliminary Plan.
14. A detailed landscape plan must be submitted that includes *dimensioned* setbacks indicating the exact location of the entrance walls.
15. Revised plans be submitted showing bypass lanes.
16. That funds escrowed for the paving of 24 Mile Road.
17. A sketch must be submitted indicating a proposed footprint of future structures for Unit 3.

MOTION carried.

16. **Special Land Use; Pet Authority Animal Hospital (Unit E);** Located in the Stratford Plaza development on the southeast corner of 23 Mile and Card Roads (excluding immediate corner); Gloria Williams, Petitioner. Permanent Parcel No. 08-23-100-029.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Robert Raymond

Public Portion: Sean Connolly, Township resident and future tenant within the Stratford Plaza requested clarification regarding the Special Land Use procedures, the location of Unit E and his concerns relating to the level of sounds created from this proposal to neighboring tenants.

MOTION by OLIVER seconded by AUSILIO to approve the Special Land Use; Pet Authority Animal Hospital (Unit E); Permanent Parcel No. 08-23-100-029 subject to the hours of operation limited to 8:00 a.m. to 9:00 p.m. The rear door remain closed at all times. Penning and walking animals are prohibited. This motion was based on the Planning Consultants recommendations as follows:

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1. The proposed Special Land Use for the animal hospital is of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.
2. The proposed animal hospital appears to be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.
3. The proposed animal hospital would be designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating therefrom which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.
4. The proposed animal hospital is such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.
5. The proposed animal hospital should relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
6. The proposed animal hospital is necessary for the public convenience at the proposed location.
7. The proposed animal hospital is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.
8. The proposed animal hospital should not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.

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9. **There shall be no outside penning of any animals as part of this use. There shall be no organized or unorganized exercise area on site.**

10. **The hours of operation be restricted to 8:00 a.m. to 9:00 p.m.**

MOTION carried.

17. **Final Preliminary Plat; Golfview Estates Subdivision;** Located on the east side of North Avenue, approximately ½ mile north of 21 Mile Road; Legacy Estates, LLC, Petitioner. Permanent Parcel No. 08-25-301-001.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Ken Davis and Craig Duckwitz

Public Portion: Several Township residents addressed their concerns regarding the existing with drainage and water flow. The residents concerns are that this proposal will only intensify the problems they have.

Mr. Duckwitz and members of the Planning Commission assured the residents that the current proposal will alleviate most of the issues involving drainage and water flow.

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Golfview Estates Subdivision; Permanent Parcel No. 08-25-301-001. The motion is subject to fulfilling the Planning Consultants conditions as they relate to this proposal as follows:

1. **The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulation.**
 - a. **Macomb County Road Commission**
 - b. **Office of Public Works Commission of Macomb County**
 - c. **Macomb County Health Department**
 - d. **Macomb County Planning Commission**
 - e. **Michigan Department of Environmental Quality**
 - f. **All public utility companies affected.**
 - g. **That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying to the plat to any public street be installed by the petitioner.**

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2. **The Township Engineer approves all engineering plans for the computed plat.**
3. **That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
4. **Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
5. **That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.**
6. **Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
7. **That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.**
8. **That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
9. **That the ‘landscape easement’; that area labeled on the plat as, “The entire common area is subject to a private easement dedicated to the ownership association for landscaping” has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.**
10. **That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make**

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note of the above date. Application for extension must be received by this office prior to the expiration date.

- 11. All street names are cleared by the Township Supervisor for purposes of continuity as part of the application for the tentative preliminary plat. Any changes in street names must be authorized by the Supervisor prior to the acceptance of an application for Final Plat. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.**
- 12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.**
- 13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.**
- 14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.**
- 15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. The items must be completed prior to the Developer applying for approval of the Final Plat.**
- 16. That the petitioner understands that if the property(ies) involved in this application are not yet split or combine into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.**

MOTION carried.

- 18. Temporary Builder Sign; Tesner Park Subdivision; Located on the southeast corner of Card Road and Brantingham Road. V & M Development, Petitioner. Permanent Parcel No. 08-35-300-037**

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Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Bill Thompson acknowledged the notation on the plans relating to the location of the proposed sign.

Public Portion: None

MOTION by KOEHS seconded by THOEL to approve the temporary builder sign for one (1) year for the Tesner Park Subdivision. The sign location is planned at the southeast corner of Tesner and Card Roads shown on the plan as lot 51. Permanent Parcel No. 08-35-300-037. This motion is based on the Planning Consultants recommendations as follows:

- 1. That Section 10.0319 of the Zoning Ordinance be met.**
- 2. All necessary permits must be obtained from the Building Department prior to any sign construction.**
- 3. That the ground sign be limited to 32 square feet.**
- 4. That the approval be for a period of one year, at which time the petitioner will apply for an extension. Please note that this sign will be the only permitted sign location for this parcel.**
- 5. That a \$500.00 cash bond be posted assuring the construction of the sign as approved.**

MOTION carried.

- 19. Final Plan; Becher Estates Site Condominiums;** Located on the north side of Marseilles Drive, 1/3 mile north of 22 Mile Road. Thomas Becher, Petitioner. Permanent Parcel No. 08-21-326-005

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Roy Sera

Public Portion: Several Township residents who reside near the current proposal addressed their concerns regarding the location of the construction access road, requested clarification on the procedures for developing private roads (*Marseilles Drive*), the time frame as to when the development will commence and the Township's requirements relating to the developer maintaining the site during the process of construction.

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MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Final Plan; Becher Estates Site Condominiums; Permanent Parcel No. 08-21-326-005 pursuant to the Planning Consultants recommendations as follows:

- 1. The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations**
 - a. Macomb County Road Commission**
 - b. Office of Public Works Commission of Macomb County**
 - c. Macomb County Health Department**
 - d. Macomb County Planning Commission**
 - e. Michigan Department of Environmental Quality**
 - f. All public utility companies affected.**
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.**
- 2. The Township Engineer approves all engineering plans for the computed plan.**
- 3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4 Further, that the Township Engineer be satisfied that those conditions imposed as part of the Preliminary Plan have been incorporated into the Final Plan.**
- 5. That all lots within the Final Plan meet the requirements of the Township Zoning Ordinance.**
- 6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
- 7. That all public street drain crossings with the boundaries of the Final Plan shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145 (10) of the Macomb Township Code.**

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8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the “landscape easement”; that area labeled on the plan as, “The entire common area is subject to a private easement dedicated to the ownership association for landscaping” has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
10. That the final plan approval expires two years from the date of Township board approval. It is not the responsibility of Macomb Township to notify the petitioner of the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names be cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after final preliminary plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4” x 4” black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
13. That the restrictive covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The ‘Restrictive Covenants’ must be approved by the Township Attorney before an application will be received for Final Plan.
14. That the Articles of Incorporation for the Homeowners’ Association for the subdivision have been approved by the Township Attorney. The ‘Articles of Incorporation’ must be approved by the Township Attorney before an application will be received for Final Plan.
15. That the developer shall be responsible for having the contract between Detroit Edison and Macomb Township executed and must establish the corresponding

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SAD for lamp charges. These items must be completed prior to the Developer applying for approval of the Final Plan.

MOTION carried.

20. **Revised Landscape Plan; Pinnacle Woods Subdivision;** Located on the south side of 23 Mile, 330 feet west of Townships limits; LandTec of Macomb LLC, Petitioner. Permanent Parcel No. 08-24-226-018.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the revision to the landscape plan, that being, the signs and the walls setback in accordance with the Ordinance and shown on the plan with the proper dimensions. Mr. Schmeiser further reviewed the findings and recommendations for approval.

Petitioner Present: Craig Duckwitz

Public Portion: None

MOTION by KOEHS seconded by THOEL to approve the Revised Landscape Plan; Pinnacle Woods Subdivision; Permanent Parcel No. 08-24-226-018. This motion is pursuant to the Planning Consultants recommendations as follows:

1. **The plan indicates the square footage of the sign in accordance with the requirement of the zoning ordinance not to exceed 20 square feet.**

MOTION carried.

Addition:

21. **Fountains of Macomb; Landscape Variance Request;** Located on the northeast corner of 21 Mile Road and Hayes Road (excluding the immediate corner); Rogvoy Architects, Petitioner. Permanent Parcel No. 08-30-354-022

Jerome R. Schmeiser, Community Planning Consultant, reviewed the petitioner's request asking the Commission to deviate from the Township Zoning Ordinance requirements to allow the (*Future Building Area*) to be seed rather than sod. Further the site has been planted with seed that has matured into grass. Mr. Schmeiser recommended that the request be denied.

Lawrence Dloski, Township Attorney, recommended that the Planning Commission treat this as an application for a variance under the Land Division Act.

Petitioner Present: Bob Kirk, Nick and Joe Tartaglia. Mr. Kirk informed the Commission that the area which is seed and has matured into a grassed area is the hardship.

Public Portion: None

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MOTION by KOEHS seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve a variance to allow the developer to hydroseed the area labeled on the site plan as “future building site”. This recommendation was made with the following conditions:

1. That a complete variance application be submitted to the Clerk’s Office before any action by the Township Board, and;
2. That the appropriate applications be submitted to the Clerk’s Office revising the site plan and/or landscape plan to reflect the change from sod to seed in this area.

The Planning Commission did not recommend approval of a variance for the greenbelt area. This area of the plan must still be seeded as shown.

MOTION carried.

PLANNING CONSULTANTS COMMENTS: None

PLANNING COMMISSION COMMENTS: None

22. Motion to receive and file all correspondence in connection with this agenda.

MOTION by KOEHS seconded by PENZIEN to receive and file all correspondence in connection with this agenda.

MOTION carried.

ADJOURNMENT:

MOTION by KOEHS seconded by PENZIEN to adjourn the meeting at 9:40 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmh